

ROSHKA HEYMAN

ROSHKA HEYMAN & DEWULF, PLC
ATTORNEYS AT LAW
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET
SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800



0000052594

RECEIVED

2002 SEP 16 P 2: 28

AZ CORP COMMISSION
DOCUMENT CONTROL

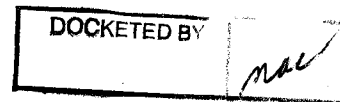
September 16, 2002

VIA HAND DELIVERY

Mr. John Bostwick
Utilities Division
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Arizona Corporation Commission
DOCKETED

SEP 16 2002



Re: *ACSI Local Switched Services, Inc. dba e.spire: American Communication Services of Pima County, Inc. dba e.spire; Xspedius Management Co. Switched Services, L.L.C.; and Xspedius Management of Pima County, L.L.C.*
Docket Nos. T-04112A-02-0450, T-04113A-02-0450, T-03597A-02-0450, T-03411A-02-0450, T-04112A-02-0451 and T-04113A-02-0452

Dear Mr. Bostwick:

Enclosed are the e.spire entities' responses to Staff's First Set of Data Requests in regard to the above-referenced dockets. As instructed, we are providing the original, plus sixteen (16) copies to Docket Control for filing.

Please call me if you have any questions.

Sincerely,

Michael W. Patten

MWP/djj
Enclosure

**ORIGINAL + 16 COPIES filed with
Docket Control**

ACSI LOCAL SWITCHED SERVICES, INC. DBA E.SPIRE . . . AND
XSPEDIUS MANAGEMENT CO. OF PIMA COUNTY, L.L.C.'S RESPONSES
TO STAFF'S FIRST SET OF DATA REQUESTS
DOCKET NOS. T-04112A-02-0450, T-04113A-02-0450, T-03597A-02-0450,
T-03411A-02-0450, T-04112A-02-0451 AND T-04113A-02-0452

SEPTEMBER 16, 2002

1. Provide verification that all affected customers have been notified of the proposed discontinuance of service or abandonment.

Response to No. 1: *See attached publication notice, which was filed with the Commission on August 13, 2002.*

RECEIVED

BEFORE THE ARIZONA CORPORATION COMMISSION

2002 AUG 13 P 4: 40

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

AZ CORP COMMISSION
DOCUMENT CONTROL

JOINT APPLICATION OF ACSI LOCAL
SWITCHED SERVICES, INC. D/B/A E.SPIRE
AND AMERICAN COMMUNICATION
SERVICES OF PIMA COUNTY, INC. D/B/A
E.SPIRE AND XSPEDIUS MANAGEMENT CO.
SWITCHED SERVICES, L.L.C., AND
XSPEDIUS MANAGEMENT CO. OF PIMA
COUNTY, L.L.C. FOR EXPEDITED APPROVAL
OF (i) THE TRANSFER OF SUBSTANTIALLY
ALL OF THE ASSETS, INCLUDING THE
CUSTOMER CONTRACTS, OF THE E.SPIRE
OPERATING ENTITIES TO THE XSPEDIUS
OPERATING ENTITIES; (ii) THE
DISCONTINUANCE OF TELECOMMUNI-
CATIONS SERVICES IN ARIZONA BY THE
E.SPIRE OPERATING ENTITIES

Docket No. T-03411A-02-0450
T-03597A-02-0450
T-04112A-02-0450
T-04113A-02-0450

IN THE MATTER OF THE APPLICATION
OF XSPEDIUS MANAGEMENT CO. OF
PIMA COUNTY, L.L.C. FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE INTRASTATE
TELECOMMUNICATIONS SERVICES

Docket No. T-04112A-02-0451

IN THE MATTER OF THE APPLICATION
OF XSPEDIUS MANAGEMENT CO.
SWITCHED SERVICES, L.L.C. FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE INTRASTATE
TELECOMMUNICATIONS SERVICES

Docket No. T-04113A-02-0452

NOTICE OF FILING OF AFFIDAVIT OF PUBLICATION

Please take notice that ACSI Local Switched Services, Inc. *dba* e.spire and American
Communication Services of Pima County, Inc. *dba* e.spire hereby file the attached Affidavit of

1 Publication from the Arizona Republic to verify that public notice was published regarding the
2 above-referenced discontinuance of service.

3
4 RESPECTFULLY SUBMITTED August 13, 2002.

5 ROSHKA HEYMAN & DEWULF, PLC

6
7 By 

8 Michael W. Patten
9 One Arizona Center
400 East Van Buren Street, Suite 800
Phoenix, Arizona 85004
10 (602) 256-6100

11 Brad Mutschelknaus
12 Enrico C. Soriano
13 Leila M. Baheri
14 KELLEY DRYE & WARREN LLP
1200 19th Street, N.W., Fifth Floor
15 Washington, D.C. 20036
(202) 955-9866

16 Attorneys for ACSI Local Switched Services, Inc.;
17 American Communication Services of Pima County
18 Inc.; Xspedius Management Co. Switched Services,
L.L.C.; Xspedius Management Co. of Pima County,
19 L.L.C.

20 ORIGINAL + 10 COPIES of the foregoing
21 filed August 13, 2002, with:

22 Docket Control
23 ARIZONA CORPORATION COMMISSION -
1200 West Washington
24 Phoenix, Arizona 85007
25
26
27

ROSHKA HEYMAN & DEWULF, PLC
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

ROSHKA HEYMAN & DEWULF, PLC
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE: NO 602-256-6100
FACSIMILE 602-256-6800

1 COPIES of the foregoing hand-delivered
2 August 13, 2002, to:

3 Teena Wolfe, Esq.
4 ALJ, Hearing Division
5 ARIZONA CORPORATION COMMISSION
6 1200 West Washington
7 Phoenix, Arizona 85007

8 Christopher Kempley, Esq.
9 Chief Counsel, Legal Division
10 ARIZONA CORPORATION COMMISSION
11 1200 West Washington
12 Phoenix, Arizona 8500

13 John Bostwick
14 Utilities Division
15 ARIZONA CORPORATION COMMISSION
16 1200 West Washington
17 Phoenix, Arizona 8500

18 
19
20
21
22
23
24
25
26
27

2464

THE ARIZONA REPUBLIC

NOTICE OF APPLICATION BY
ACSI LOCAL SWITCHED
SERVICES, INC. DBA
ESPIRE AND AMERICAN
COMMUNICATION SER-
VICES OF PIMA COUNTY,
INC. DBA ESPIRE TO DIS-
CONTINUE TELECOMMU-
NICATIONS SERVICES
(Docket Nos. T-03411A-02-0450
et al.)

ACSI Local Switched Services, Inc. dba espire and American Communication Services of Pima County, Inc. dba espire (Applicants) have filed with the Arizona Corporation Commission ("Commission") an application to discontinue their provision of telecommunications services in Arizona by transferring the provision of that service to Xspedius Management Co., L.L.C. and its Arizona operating entities. The application is available for inspection during regular business hours at the offices of the Commission located at 1200 West Washington Street, Phoenix, Arizona 85007, and at Applicants' address located at 125 Columbia Gateway Drive, Suite 200, Columbia, MD 21046. Under Commission Rule R14-2-1107, interested parties have thirty (30) days from the publication date of this notice to file objections to the Application, to request a hearing and to submit a motion to intervene in the proceeding. Persons desiring to intervene must file a written motion to intervene with the Commission and send such motion to the Applicant or its counsel and to all parties of record, and the written motion shall contain, at the minimum, the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor;
2. A short statement of the proposed intervenor's interest in the proceeding (e.g. a customer of the company, a shareholder of the company, a competitor, etc.);
3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicant or its counsel and to all parties of record in the case.

A.A.C. R14-2-105 shall govern the granting of motions to intervene. The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at a hearing and making a statement on their own behalf or submitting a written statement to the Commission.

If you have any objections, mail them to:
The Arizona Corporation Commission
Attention: Docket Control
Re: ACSI Local Switched Services, Inc. dba espire
American Communication Services of Pima County, Inc. dba espire
T-03411A-02-0450 et al.
1200 West Washington Street
Phoenix, Arizona 85007

If you have any questions about this application or want information on intervention, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodations such as sign language interpreter, as well as request this document in an alternative format by contacting Shelly Hood, ADA Coordinator, voice phone number 602/542-3931, E-Mail: shood@cc.state.az.us. Requests should be made as early as possible to allow time to arrange the accommodation.
02464- July 30, 2002

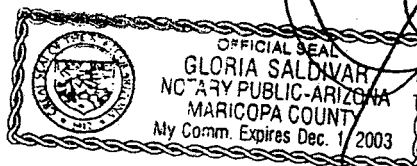
STATE OF ARIZONA
COUNTY OF MARICOPA } SS.

TOM BIANCO, being first duly sworn, upon oath deposes and says: That he is the legal advertising manager of the Arizona Business Gazette, a newspaper of general circulation in the county of Maricopa, State of Arizona, published at Phoenix, Arizona, by Phoenix Newspapers Inc., which also publishes The Arizona Republic, and that the copy hereto attached is a true copy of the advertisement published in the said paper on the dates as indicated.

The Arizona Republic

07/30/2002

Sworn to before me this
30TH day of
July A.D. 2002



Notary Public

ACSI LOCAL SWITCHED SERVICES, INC. DBA E.SPIRE . . . AND
XSPEDIUS MANAGEMENT CO. OF PIMA COUNTY, L.L.C.'S RESPONSES
TO STAFF'S FIRST SET OF DATA REQUESTS
DOCKET NOS. T-04112A-02-0450, T-04113A-02-0450, T-03597A-02-0450,
T-03411A-02-0450, T-04112A-02-0451 AND T-04113A-02-0452

SEPTEMBER 16, 2002

2. Please describe the plan for the refund of deposits collected, if any, pursuant to subsection R14-2-503(B).

Response to No. 2: Pursuant to the court-approved transaction underlying this abandonment of service, deposits held on behalf of customers transferring to Xspedius will be transferred in conjunction with those customers' accounts. With respect to customers choosing to transfer to carriers other than Xspedius, following the transfer, ACSI will refund any customer deposits.

ACSI LOCAL SWITCHED SERVICES, INC. DBA E.SPIRE . . . AND
XSPEDIUS MANAGEMENT CO. OF PIMA COUNTY, L.L.C.'s RESPONSES
TO STAFF'S FIRST SET OF DATA REQUESTS
DOCKET NOS. T-04112A-02-0450, T-04113A-02-0450, T-03597A-02-0450,
T-03411A-02-0450, T-04112A-02-0451 AND T-04113A-02-0452

SEPTEMBER 16, 2002

3. Please provide a list of all alternative utilities providing the same or similar service within the affected geographic area.

Response to No. 3: Numerous telecommunications companies are certificated to provide similar services in the affected area and could provide service through resale of Qwest service. Applicants do not know all the companies that are actively marketing similar service in the affected area. However, Applicants understand that similar service is being offered by Qwest, AT&T, WorldCom, Time Warner, McLeodUSA and Xspedius.

ACSI LOCAL SWITCHED SERVICES, INC. DBA E.SPIRE . . . AND
XSPEDIUS MANAGEMENT CO. OF PIMA COUNTY, L.L.C.'S RESPONSES
TO STAFF'S FIRST SET OF DATA REQUESTS
DOCKET NOS. T-04112A-02-0450, T-04113A-02-0450, T-03597A-02-0450,
T-03411A-02-0450, T-04112A-02-0451 AND T-04113A-02-0452

SEPTEMBER 16, 2002

4. Have you received an objection to your filed application for
discontinuance or abandonment of service?

Response to No. 4: No.